

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MICHEL RIDGELY,)	
Plaintiff)	
)	Civil Action 5-1033 (GK)
v.)	
)	
ELAINE CHAO)	
Defendant)	

STATEMENT OF MATERIAL FACTS

Defendant respectfully submits this Statement Facts as to which there is no material dispute.

1. In August 1994, plaintiff held the position of Management Analyst, GS-9 which was the full performance level for the position. Hackney Dec. at ¶ 4.

2. In August 1994, the position was reevaluated resulting in a classification change to a higher grade to the position of Printing Specialist. *Id.* and Ex H1.

3. The GS-11 was the full performance level for the Printing Specialist position; there was no additional non-competitive promotion potential. Hackney Dec. at ¶ 4.

4. In January 1999 plaintiff received a promotion to a supervisory position. Complaint at ¶10. Plaintiff's supervisory promotion, effective January 31, 1999, was a reassignment to Supply Management Officer at the GS 11 level. Hackney Dec. at ¶5 and Ex H2. The journeyman level for the position was GS-11. Hackney Dec. at ¶5. To receive a promotion to the GS-12 grade level, plaintiff would have to apply and compete for a GS-12 position, subject to exceptions to merit staffing. Hackney Dec. at ¶5 and see 5 CFR 335.103 (c)(2) and (3).

5. On July 30, 2000, plaintiff was competitively selected for a position in a different

office, the Office of Assessments. Hackney Dec. at ¶6 and Ex H3. His supervisor became Ms. Douglas. Complaint at ¶ 11.

6. Plaintiff's exhibit 15 reflects that on June 5, 2000, Mr. Nixon told plaintiff that he was rewriting plaintiff's position description and that the supervisory responsibilities would be removed from the position description. ROI '152 at 15.1.

7. Mr. Brinkley was laterally assigned to assume the position of Management Program Analyst (Security Manager) GS-13 within the Facilities and Property Management Branch. Stoeher affidavit, ROI '152 at F3.14.

8. As reflected in his position description the duties of the Management Program Analyst position included "management and oversight of the Agency's national security program, studies and analysis of all Branch programs, including operations, national and regional programs, evaluation of work processes, operating procedures and productivity, make recommendations for problem resolution and/or redistribution of work load, and direct, **through subordinate supervisor** the activities of the Arlington operation staff." *Id.* (Emphasis added) and ROI '152 F10.

9. Mr. Brinkley already was a GS-13, before being reassigned to the Management Program Analyst position. ROI '152 at F3.21, F9.

10. The summary of the the Management Program Analyst position's complexity included

Eight separate GSA and OASAM Regional Offices are regularly dealt with for provision of services. Over 180 separate organizational units are serviced nation wide. * * *

The significance of the widening range of possible threats (including terrorism) in a new era of proliferating technologies necessitates a viable Agency security

infrastructure that insures the safekeeping of employees, facilities, vital records and the continuity of agency business.

Id. at F10.4-10.5. The scope and effect of the position was summarized as follows:

Much of the employee's work is to resolve problems, or to develop new approaches for use by the agency. Recommendations are accepted as authoritative. The work requires long-term commitments, developing innovative arrangements to resolve critical problems and satisfy unusual situations and develop method that resolve administrative problems.

Id. at F10.5

11. The scope and effect of plaintiff's job was described in his position description as follows:

Effects inter-agency coordination and ensures prompt processing, printing, and distribution of forms and other publications for agency effectiveness. Performs design and layout of all MSHA forms to reduce agency production costs. Incumbent is responsible for directing the Eastern Regional vehicle and telecommunications programs.

Id. at 1.10.

12. On July 24, 2003, plaintiff was retroactively promoted to GS-12, Step 3, effective June 30, 2002. He received back pay from June 30, 2002 to June 29, 2003. Hackney Dec. at ¶7 and Ex H4.

Respectfully submitted,

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